



Crl.O.P.(MD) No.21351 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2025

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THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

Crl.O.P.(MD) No.21345 of 2025

and

Crl.MP(MD)Nos.18318 & 18319 of 2025

Mr.Shahul Hameed

... Petitioner / Accused No.1

Vs.

1. State of Tamilnadu rep by
The Inspector of Police,
District Crime Branch,
Tirunelveli District.
In Crime No.30 of 2019

... 1st Respondent/Complainant

2.Romalt Terric Pinto

... 2nd Respondent /
Defacto complainant

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, to call for the records pertaining to the Charge Sheet in C.C.No.2094 of 2022 on the file of the learned Judicial Magistrate I, Tirunelveli District, and allow the quash petition as the same as illegal in so far as the petitioner is concerned.



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For Petitioner : Mr.G.Anto Frince

For R1 : Mr.S.Ravi
Additional Public Prosecutor

ORDER

The criminal original petition was filed to quash the final report in C.C.No.2094 of 2022 on the file of the learned Judicial Magistrate I, Tirunelveli District.

2. The petitioner is the first accused, who is the proprietor of Hamid Marine Pvt.Ltd situated at Erukkanthurai Village, Tirunelveli District, had applied to the Tamil Nadu Pollution Control Board (TNPCB) for renewal of the consent order required to operate his factory. The said application was returned by the Tamil Nadu Pollution Control Board (TNPCB) on 17.07.2019 seeking additional particulars and which were thereafter resubmitted on 01.09.2019 with the required details. While the said application was under consideration, it is alleged that the first accused, who is the petitioner herein, in conspiracy with the second accused, fabricated and used a forged consent order purported to have been issued by the Tamil Nadu Pollution Control Board. The said forged



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document allegedly bore a fabricated signature of Mr.Romald Derrick Pinto, the District Environmental Engineer, who is the second respondent herein and falsely indicated that TNPCB, Tirunelveli, had granted consent under Section 25 of Water (Prevention and Control of Pollution) Act, 1974, and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981, valid up to 31.03.2021 for the operation of Hameed Marine Private Limited. For the for the creation and forgery of the concocted consent deed as issued by the 2nd Respondent herein, crime against the petitioner and the second accused came to be registered and the same has culminated into filing of the charge sheet in C.C.No.2094 of 2022 before the learned Judicial Magistrate I, Tirunelveli District. Seeking to quash the same, this Criminal Original Petition has been filed.

3. The learned counsel for the petitioner submitted that the petitioner herein, who is arrayed as first accused is a senior citizen, who had been *bona fidely* running the Hameed Marine Private Limited for more than a decade with proper permission from the various departments, including the consent order from the Tamil Nadu Pollution Control Board (TNPCB). However, due to his old age, he approached the second accused to obtain a renewal of the consent order from the Tamil Nadu Pollution



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Control Board (TNPCB) to operate his factory. It is all for the fraudulent act committed by the 2nd accused. The petitioner herein has been roped into the said case as first accused and he has nothing to do with the alleged concoction and forgery of the consent Deed issued by the 2nd respondent and sought for quashing the Charge sheet.

4. The learned Additional Public Prosecutor pointed out that the second respondent, in his statement under Section 161(3) Cr.P.C., has made it clear he had never issued such consent order at any point of time and he himself had categorically explained that the nature of the consent order, which would normally be issued would be in a watermark paper with hologram sticker with the signature of the second respondent as well as referring to certain reports obtained in this regard in the reference column. In the absence of such materials in the questioned document, it is clear that the same has been forged by the accused together and only on that premise, he had lodged a complaint as against the accused persons before the respondent police. Since a clear case has been made out as against the petitioner, the question of quashing the charge will never arise.



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5. The learned counsel for the petitioner submitted that the second accused is no more, however, he submitted that there is no **overt act as against the first accused**, who is the petitioner herein. Further, he relied upon the judgment passed by the Hon'ble Supreme Court in the case of ***Mohammed Ibrahim and others reported in 2009 8 SC 751***.

6. However, the same is not applicable to the facts and circumstances of this case. In the said case, false document, which was created was with respect to the sale deed executed in favour of the *bona fide* purchaser. However, in the instant case, the petitioner is an applicant who contents to have obtained a consent order from the second respondent. Being not able to give a convincing explanation as to how concocted and fabricated order has been created, the petitioner's case would fail.

7. Considering the same, this court is not inclined to interfere with the charge sheet in C.C.No.2094 of 2022 on the file of the learned Judicial Magistrate I, Tirunelveli District, and accordingly, this Criminal Original Petition is dismissed.



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WEB COPY 8. However, considering the fact that the petitioner is a senior citizen, the personal appearance of the petitioner before the trial Court is dispensed with on all hearing dates except when his presence is required for the progress of the trial. If the petitioner do not comply with any of the directions of the trial Court for appearance, this order passed by this Court will lose its efficacy. Consequently, the connected Crl.MP(MD)Nos. 18318 of 2025 is closed.

01.12.2025

Index : Yes/ No
Internet : Yes/No
NCC : Yes / No
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To

- 1.The Judicial Magistrate I,
Tirunelveli District.
2. The Inspector of Police,
District Crime Branch,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L.VICTORIA GOWRI, J.

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